

AMENDED IN ASSEMBLY MARCH 8, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 187

**Introduced by Assembly Member Mountjoy
(Principal coauthor: Assembly Member Bogh)**

(Coauthors: Assembly Members Aghazarian, Benoit, Blakeslee, Cogdill, Daucher, DeVore, Emmerson, Frommer, Garcia, Harman, Haynes, Shirley Horton, Huff, Keene, La Malfa, Leslie, Maze, McCarthy, Plescia, Richman, Sharon Runner, Strickland, Tran, Villines, Walters, and Wyland)

January 25, 2005

An act to amend, ~~repeal, and add Sections 3307 and 3311 of Section 3311 of, and to add Section 3307.5 to, the Elections Code, relating to overseas voters.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 187, as amended, Mountjoy. Overseas military voting.

Existing law permits a citizen residing outside of the United States to register to vote, apply for, and cast, an absent voter ballot in a federal election if that person was domiciled in California immediately prior to his or her departure from the United States.

Existing law requires that absentee ballots cast pursuant to these procedures be received by the county elections official not later than 8 p.m. on the day of a federal election.

This bill would require that the identification envelopes for all active military personnel stationed overseas contain a declaration, under penalty of perjury, by the voter stating that he or she completed the ballot on or before the day of the election. This bill would extend the time period for the receipt of absentee ballots of active military personnel stationed overseas that are postmarked or signed and dated

by the day of a federal election to not later than 10 days after the election. ~~This bill would require that the identification envelopes for all overseas absentee ballots be plainly marked as such and contain a declaration, under penalty of perjury, by the voter stating that he or she completed the ballot on or before the day of the election.~~

~~This bill would provide that its provisions shall become operative on January 1, 2006.~~

This bill, by adding to the duties of county elections officials *and creating a new crime*, would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 3307 of the Elections Code is amended~~
2 ~~to read:~~

3 *SECTION 1. Section 3307.5 is added to the Elections Code,*
4 *to read:*

5 *3307.5. In addition to the requirements set forth in Sections*
6 *3011 and 3307, the identification envelope for the absentee*
7 *ballots of active military personnel stationed overseas shall*
8 *contain the following:*

1 (a) A declaration, signed under penalty of perjury, stating that
2 the voter has completed the ballot on or before the date of the
3 election.

4 (b) A notice plainly stamped or printed on the envelope stating
5 that the envelope contains an overseas absentee ballot.

6 SEC. 2. Section 3311 of the Elections Code is amended to
7 read:

8 3311. (a) All absentee ballots cast pursuant to this chapter
9 shall be received by the county elections official not later than 8
10 p.m. on the day of a federal election.

11 (b) Notwithstanding subdivision (a), absentee ballots of active
12 military personnel stationed overseas and postmarked or signed
13 and dated by the day of the federal election shall be received by
14 the county elections official not later than 10 days after that
15 federal election.

16 SEC. 3. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution for
18 certain costs that may be incurred by a local agency or school
19 district because, in that regard, this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the
21 penalty for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition of a
23 crime within the meaning of Section 6 of Article XIII B of the
24 California Constitution.

25 However, if the Commission on State Mandates determines that
26 this act contains other costs mandated by the state,
27 reimbursement to local agencies and school districts for those
28 costs shall be made pursuant to Part 7 (commencing with Section
29 17500) of Division 4 of Title 2 of the Government Code.

30 ~~3307. (a) As soon as possible after the 60th day before the~~
31 ~~federal election, the county elections official shall mail or deliver~~
32 ~~a ballot to each person who has requested registration as an~~
33 ~~overseas voter since the last regularly scheduled federal election.~~

34 ~~(b) If the overseas voter has not correctly completed and~~
35 ~~returned a federal application for an absentee ballot or a special~~
36 ~~affidavit of registration as an overseas voter since the last~~
37 ~~regularly scheduled federal election the elections official shall~~
38 ~~enclose an affidavit with the ballot.~~

39 ~~(c) The overseas voter shall be informed of the following:~~

~~(1) That the affidavit must be correctly completed and returned with the ballot in order for the vote to be tallied.~~

~~(2) That the voter's registration will be valid through the next general election, and that the ballots for these elections will be sent to the voter at the mailing address provided by the voter, but that following the general election, the voter must reapply in order to again receive an overseas voter ballot.~~

~~(d) The affidavits of registration mailed or delivered pursuant to this section shall conform to Section 2157, except as modified pursuant to regulations adopted by the Secretary of State to reflect the requirements of this chapter.~~

~~(e) Absent voter ballots mailed or delivered pursuant to this section shall be modified pursuant to regulations adopted by the Secretary of State so as to show only those offices for which the overseas resident is entitled to vote.~~

~~(f) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.~~

~~SEC. 2. Section 3307 is added to the Elections Code, to read:~~

~~3307. (a) As soon as possible after the 60th day before the federal election, the county elections official shall mail or deliver a ballot to each person who has requested registration as an overseas voter since the last regularly scheduled federal election.~~

~~(b) In addition to the requirements set forth in Section 3011, the identification envelope shall contain the following:~~

~~(1) A declaration, under penalty of perjury, stating that the voter has completed the ballot on or before the date of the election.~~

~~(2) A notice plainly stamped or printed that the envelope contains an overseas absentee ballot.~~

~~(c) If the overseas voter has not correctly completed and returned a federal application for an absentee ballot or a special affidavit of registration as an overseas voter since the last regularly scheduled federal election the elections official shall enclose an affidavit with the ballot.~~

~~(d) The overseas voter shall be informed of the following:~~

~~(1) That the affidavit must be correctly completed and returned with the ballot in order for the vote to be tallied.~~

1 ~~(2) That the voter's registration will be valid through the next~~
2 ~~general election, and that the ballots for these elections will be~~
3 ~~sent to the voter at the mailing address provided by the voter, but~~
4 ~~that following the general election, the voter must reapply in~~
5 ~~order to again receive an overseas voter ballot.~~

6 ~~(c) The affidavits of registration mailed or delivered pursuant~~
7 ~~to this section shall conform to Section 2157, except as modified~~
8 ~~pursuant to regulations adopted by the Secretary of State to~~
9 ~~reflect the requirements of this chapter.~~

10 ~~(f) Absent voter ballots mailed or delivered pursuant to this~~
11 ~~section shall be modified pursuant to regulations adopted by the~~
12 ~~Secretary of State so as to show only those offices for which the~~
13 ~~overseas resident is entitled to vote.~~

14 ~~(g) This section shall become operative on January 1, 2006.~~

15 ~~[PU (Enacted by Stats. 1994, Ch. 920, Sec. 2.) PU 01 AB 848~~
16 ~~98]~~

17 ~~SEC. 3. Section 3311 of the Elections Code is amended to~~
18 ~~read:~~

19 ~~3311. (a) All absentee ballots cast pursuant to this chapter~~
20 ~~shall be received by the county elections official not later than 8~~
21 ~~p.m. on the day of a federal election.~~

22 ~~(b) This section shall remain in effect only until January 1,~~
23 ~~2006, and as of that date is repealed, unless a later enacted~~
24 ~~statute, that is enacted before January 1, 2006, deletes or extends~~
25 ~~that date.~~

26 ~~SEC. 4. Section 3311 is added to the Elections Code, to read:~~

27 ~~3311. (a) Except as provided in subdivision (b), all absentee~~
28 ~~ballots cast pursuant to this chapter shall be received by the~~
29 ~~county elections official not later than 8 p.m. on the day of a~~
30 ~~federal election.~~

31 ~~(b) Absentee ballots of active military personnel stationed~~
32 ~~overseas postmarked or signed and dated by the day of the~~
33 ~~federal election shall be received by the county elections official~~
34 ~~not later than 10 days after that federal election.~~

35 ~~(c) This section shall become operative on January 1, 2006.~~

36 ~~SEC. 5. If the Commission on State Mandates determines that~~
37 ~~this act contains costs mandated by the state, reimbursement to~~
38 ~~local agencies and school districts for those costs shall be made~~
39 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
40 ~~4 of Title 2 of the Government Code.~~

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